



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE August 4, 2006 EFFECTIVE DATE August 19, 2006	CONTACT/PHONE Michael Conger (805) 781-5136	APPLICANT Charlene Mims	FILE NO. DRC2005-00148
SUBJECT Request by Charlene Mims for a Minor Use Permit to modify the distance limitation for a secondary unit. The project would authorize the construction of a secondary dwelling 980 feet away from the primary dwelling, where ordinance requirements would limit the distance to 250 feet. The subject parcel is approximately 8.97 acres in size and is located within the Agriculture land use category. The project site is addressed at 7550 Mary Hall Road, and the proposed building site for the secondary dwelling is located adjacent to the platted alignment for Burnice Draper Court, approximately 0.44 miles south of the intersection of Huasna Road and Jatta Road. The site is located approximately 8.3 miles east of the City of Arroyo Grande, in the Huasna-Lopez planning area.			
RECOMMENDED ACTION Deny Minor Use Permit DRC2005-00148 based on the findings listed in Exhibit A.			
ENVIRONMENTAL DETERMINATION This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 048-241-054, 061	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None applicable <i>Does the project meet applicable Planning Area Standards:</i> Not applicable			
LAND USE ORDINANCE STANDARDS: Height Measurement; Minimum Site Area; Residential Density; Setbacks; Secondary Dwellings <i>Does the project conform to the Land Use Ordinance Standards:</i> Yes - see discussion			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on August 19, 2006, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Single family residence (under construction)			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture / undeveloped <i>East:</i> Agriculture / undeveloped <i>South:</i> Agriculture / undeveloped <i>West:</i> Agriculture / undeveloped			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Ag Commissioner, Building Division, RWQCB			
TOPOGRAPHY: Gently sloping to steeply sloping		VEGETATION: Oak woodland, grasses	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF/County Fire	ACCEPTANCE DATE: June 23, 2006
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LAND USE ORDINANCE COMPLIANCE

Permitted Use, Residential Density – Single-family residences are an allowable use in the Agriculture land use category. Because the subject parcel is under 20 acres, the second unit is subject to the special use conditions described in the “Secondary Dwellings” section of this report.

Property Development Standards – The following table summarizes the applicable general property development and operating standards described in Chapter 10 of the Land Use Ordinance:

Standards	Description	Required	Proposed	Status
Height	Agriculture	35 feet	24 feet, 5 inches	Meets Standard
Site Area	Single Family Residence (Shared Well, Septic)	1 net acre	≈ 8.97 net acres	Meets Standard
Front	Standard Requirement	25 feet	> 1000 feet	Meets Standard
Rear	sites 1 acre or more	30 feet	40 feet	Meets Standard
Side	sites 1 acre or more	30 feet	North: 50 feet South: 375 feet	Meets Standard
Interior	Accessory Building	6 feet	≈ 980 feet	Meets Standard

As proposed, the project meets the property development standards of the Land Use Ordinance.

Secondary Dwellings

The following table summarizes the requirements for secondary dwelling units, as listed in Section 22.30.470 of the Land Use Ordinance. The project site is greater than five net acres in size and is served by on-site well and septic systems.

Standard	Description	Status
Accessory Unit Only	Secondary must be accessory to a primary dwelling; site cannot contain a guesthouse or more than one unit	Does Not Meet Standard
Restricted Occupancy	Owner shall occupy one unit on the site as their primary residence	Could be Conditioned to Meet Standard
Limitation on Location	Project is not in an area where secondary units are prohibited	Meets Standard
Minimum Access	Project site has frontage on a county-maintained road ¹ (Mary Hall Road)	Meets Standard
Minimum Site Area	On-site well and on-site sewage disposal: Minimum site area is 1 net acre	Meets Standard

¹ The project site has frontage on a county-maintained road, however the proposed building site will receive access from a partially unimproved private road shown on the recorded map as “Burnice Draper Court.”

Standard	Description	Status
Maximum Floor Area	On-site well and on-site sewage disposal: Maximum floor area is 1,200 square feet	Meets Standard
Maximum Distance	On-site well and on-site sewage disposal: Maximum distance from primary unit is 250 feet	Modification Required
Design	Design style shall be compatible with the existing primary dwelling.	Meets Standard
Parking	One additional off-street parking space	Meets Standard

As proposed, the project does not meet the secondary unit standards. The accessory use standard and request for distance modification are discussed in further detail in the "Staff Comments" section of this report.

STAFF COMMENTS:

Distance Waiver Request

In order to grant a modification request under Chapter 30 of the Land Use Ordinance, the hearing body must find that specific site conditions render the standard unnecessary or ineffective. The applicant has requested a modification of the maximum distance standard, which limits the distance between primary and secondary units to 250 feet. The proposed modification would allow construction of a secondary to be located approximately 980 linear feet from the project site. Based on site visits and review of the proposed site plan, staff has concluded that locating the secondary within the required 250 feet from the primary residence is more favorable than locating it at the proposed site. Staff feels the applicant has not effectively demonstrated that the 250 foot limitation is unnecessary or ineffective due to specific site conditions.

Accessory Unit Only

As proposed, the secondary unit will be located on the west side of the ridgeline and separated from the primary unit by a dense oak woodland. The secondary dwelling will receive its access from a partially unimproved private easement known as Burnice Draper Court, and will not have any direct access to the primary dwelling along Mary Hall Road (a county-maintained decomposed granite road). Given these facts, the distance separation is more effectively represented by the access distance, which is approximately 5,120 feet (0.97 miles). In addition to having separate access, the secondary dwelling will receive water from a separate well.

The ordinance defines an accessory use as follows:

"A use accessory to any principal use and customarily a part thereof, which is clearly incidental and secondary to the principal use..."

Because of the separation by distance, access, and topography, staff believes that the proposed secondary dwelling will not be "clearly incidental" to, or "customarily a part" of, the primary use, and will likely function independently of the primary dwelling.

Sufficient Area within 250-Foot Distance

In letters dated February 2, 2006 and June 6, 2006 (attached), the applicant's agent identifies the following constraints to their ability of locating the secondary dwelling within the 250 foot radius area:

- Dense Oak Woodland
- PG&E Easement
- Primary Residence and improvements (pool², driveway, workshop³, well, septic, etc.)
- Proposed orchard

Staff has reviewed the applicant's assertions and determined that there is sufficient area to locate a 1,200 square-foot secondary residence within 250 feet of the primary residence without impacting the oak woodland or proposed orchard, or encumbering upon the utility easement, the existing residence, or related improvements. A 250 foot radius would encompass approximately 2.5 acres of the parcel. Approximately 1.26 acres of this area are encumbered by the setbacks, oak woodland, PG&E easement, and primary residence (including improvements). This would leave approximately 1.24 acres to accommodate a proposed orchard and secondary dwelling within the 250-foot radius area.

The orchard shown on the proposed plan occupies approximately 0.80 acres (exclusive of setback areas). This suggests that there are likely alternative sites that have not been considered within an approximately 0.44 acre (19,000+ square foot) area to locate the 1,200 square foot dwelling without encumbering upon an existing or proposed structure or use. The attached exhibit labeled "potential alternative locations" shows possible locations for the secondary dwelling within the 250 foot radius that may not have been considered.

Alternatives to the Proposal

Staff has identified two alternatives which can be used to accomplish the applicant's goal of constructing a 1,200 square-foot secondary dwelling unit:

Relocate the Building Site – The applicant can relocate the building site of the proposed structure to be within 250-feet of the primary dwelling unit in the 0.44 acre area that is not encumbered by existing or proposed structures or uses. This would not necessitate Minor Use Permit approval.

Rearrange Proposed Uses – Permits have not yet been issued for the proposed workshop or swimming pool, and an orchard has not yet been established. The applicant can consider rearranging these proposed uses in order to better accommodate a secondary dwelling within the 250-foot radius area. The applicant can also consider adjusting the area for the proposed orchard to take advantage of the setback and PG&E easement areas, where development cannot occur, or locating the proposed secondary residence above the proposed workshop.

Environmental Considerations

When considering requests for secondary unit distance modifications, staff reviews the project to determine if the modification will allow the development to have a lesser impact on the environment than what would have otherwise occurred if proposed development had adhered to the distance limitation. In the case of this project, staff feels that the proposal will likely pose greater potential for impacts than if development of the secondary unit were to occur within 250 feet of the primary unit. While staff has preliminarily identified environmental concerns with the project's location in regards to the quality of the access road and the additional earthwork that would be required, the issue of primary concern is fire safety.

² Permit history does not show a permit issued for a swimming pool (described in the letter from June 6, 2006).

³ This permit has been applied for but not yet issued.

The project site is located in the *Very High* fire hazard area, and is outside of the 20 minute fire response range. The Safety Element, a part of the County's General Plan, requires that new development be configured to minimize the potential for fire danger. Standard S-30 of the Safety Element specifically mandates the following:

"Site homes near one another to the extent practicable to reduce the need for multiple response teams during fires..."

Locating the homes nearly a mile away from each other, by road, in an area identified as being of particularly high fire hazard and over 20 minutes away from fire response, could create a need for multiple response teams should a fire break out in the densely wooded area between the two homes. Because the project will not to meet the intent of Standard S-30, staff feels that the project is not consistent with the General Plan.

Conclusions

The site proposed for the secondary unit poses the potential for greater impacts due to its location. Additionally, because the building site for the secondary unit is so isolated from the primary unit, it is unlikely that it will function as an accessory use as defined by the Land Use Ordinance. Staff further feels that the applicant has not established that site conditions render the distance limitation unnecessary or ineffective.

AGENCY REVIEW:

Public Works – No comment

City of Arroyo Grande – No comment

Cal Trans – As of June 14, 2006, no response has been received.

RWQCB – As of June 14, 2006, no response has been received.

Building – Requests a percolation test with building permit.

LEGAL LOT STATUS:

The one existing lot was legally created by a recorded map (COAL97-023), recorded in Book 53, Page 55 of Parcel Maps.

Staff report prepared by Michael Conger and reviewed by Kami Griffin.

EXHIBIT A - FINDINGS

CEQA Exemption

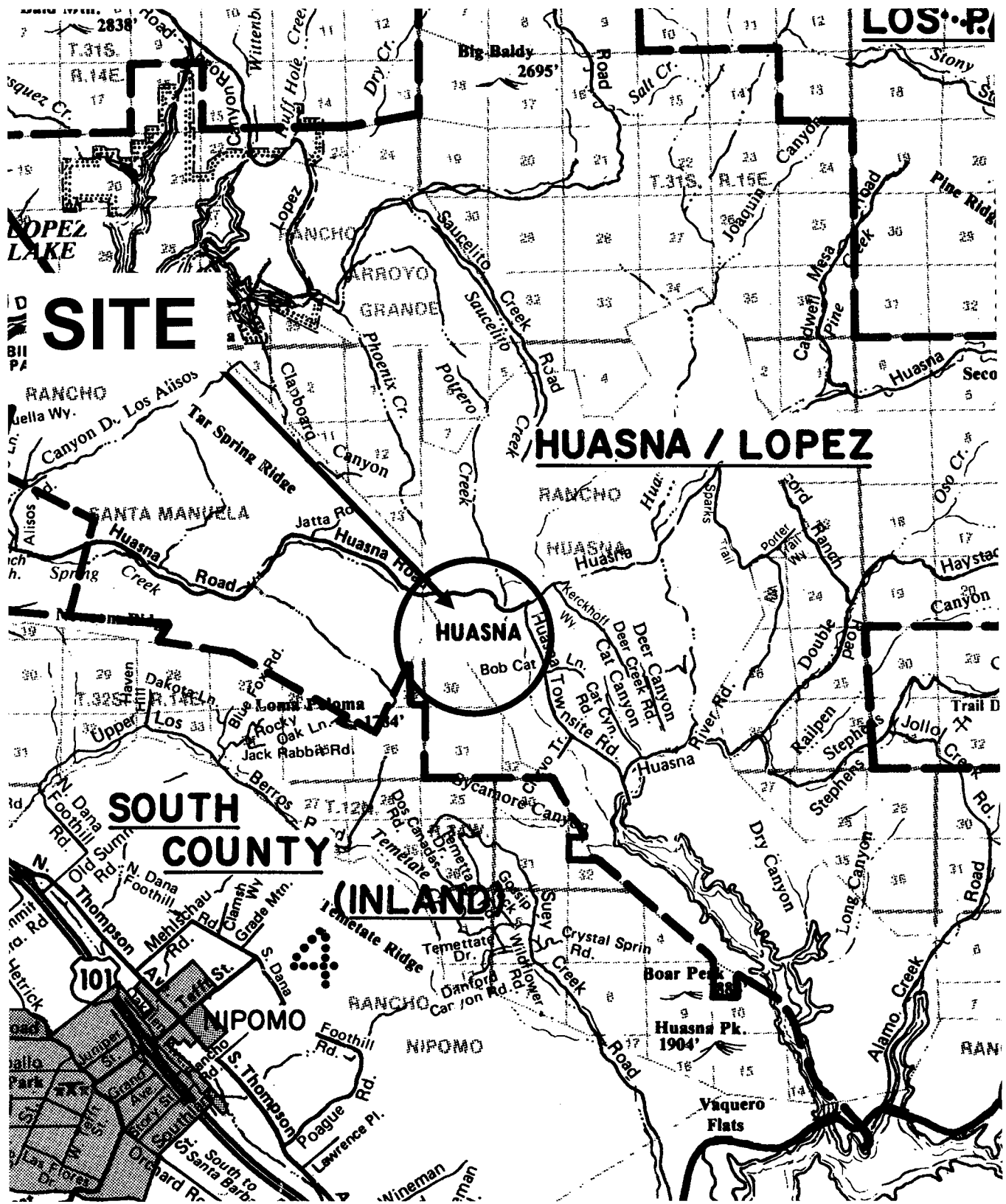
- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Minor Use Permit

- B. The proposed project is inconsistent with the San Luis Obispo County General Plan, because the project is located in a Very High fire hazard area and is in conflict with Standard S-30 of the Safety Element which requires that homes be located as close to one another as feasible in order to reduce the need for multiple fire response teams.
- C. The proposed project or use does not satisfy all applicable provisions of Title 22 of the County Code, because as proposed the project will result in a secondary unit which is neither customarily a part of the principal use nor clearly incidental and secondary to the principal use.

Secondary Dwelling Adjustments

- D. Modification of the distance a secondary dwelling can be located from a primary dwelling from 250 feet to allow a secondary dwelling to be located approximately 980 feet from the primary dwelling is not justified because there are not specific conditions of the site that make the standard unnecessary or ineffective. There is sufficient area within a 250 foot radius of the primary dwelling unit to accommodate a 1,200 square foot secondary unit. Locating the unit in the proposed location would require more earthwork and would pose a greater potential for environmental impacts than siting the unit within 250 feet of the primary residence.



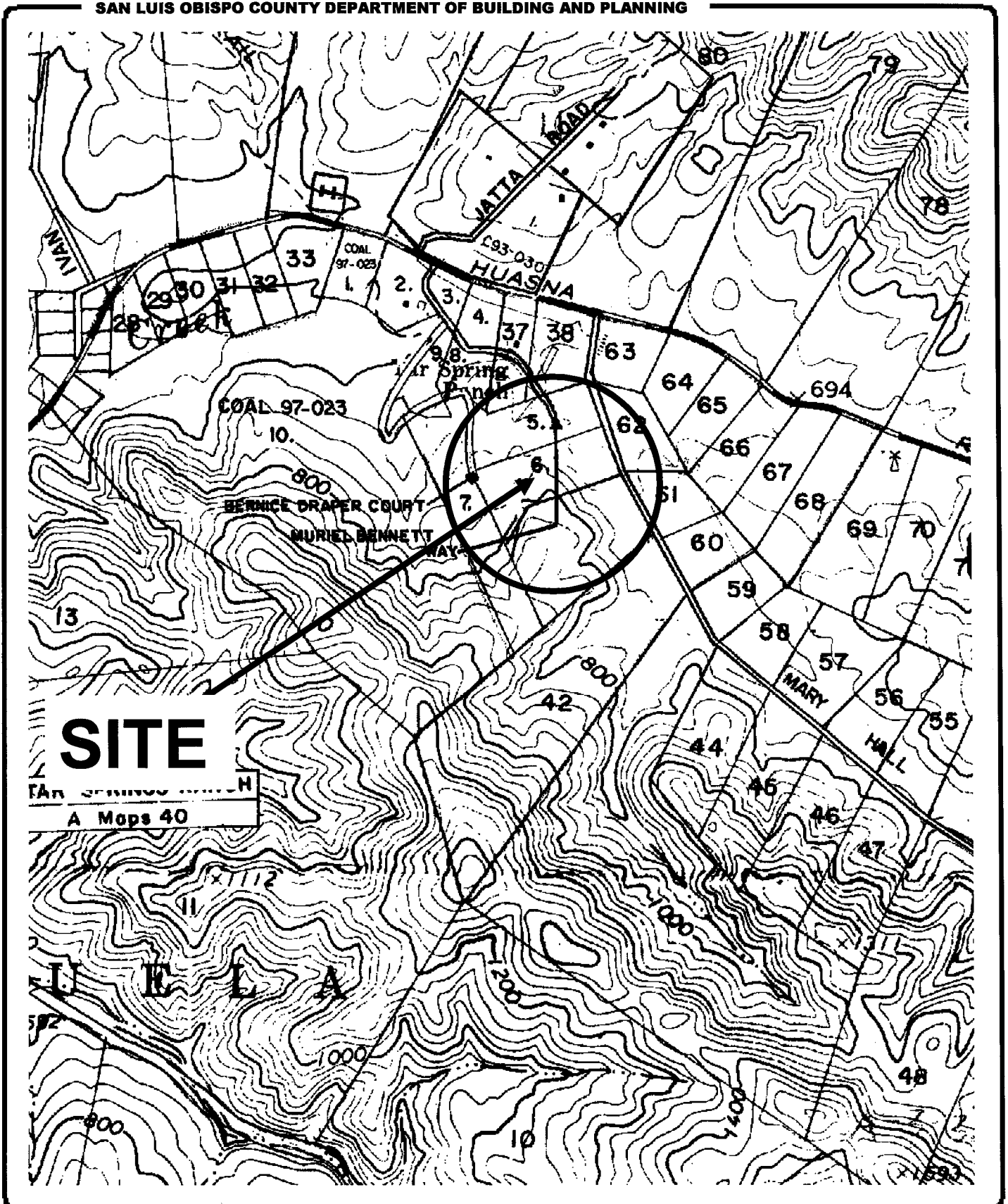
PROJECT

Minor Use Permit
Mims - DRC 2005-00148



EXHIBIT

Arroyo Grande Vicinity



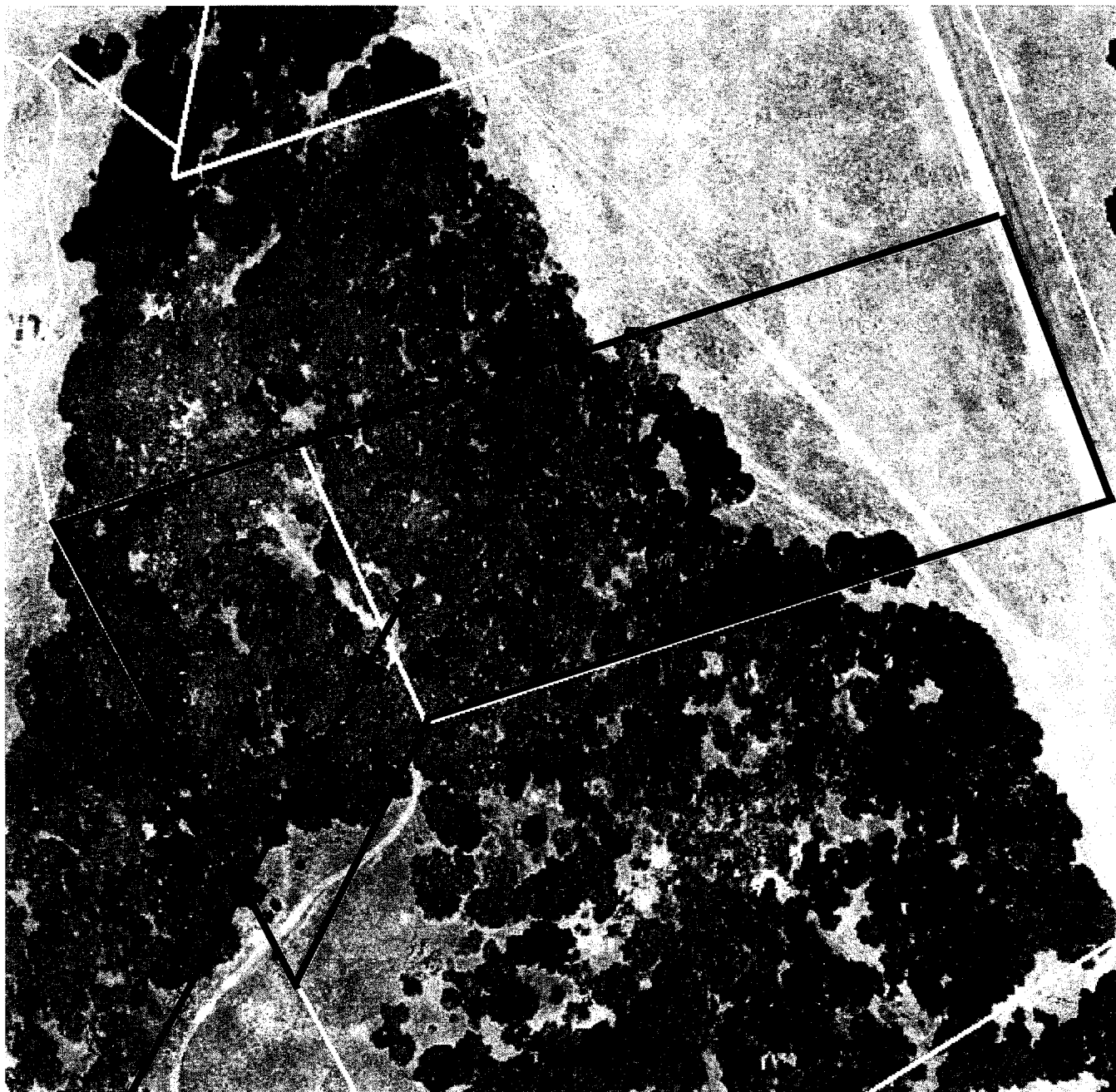
PROJECT

Minor Use Permit
Mims - DRC 2005-00148



EXHIBIT

Land Use Category



SITE

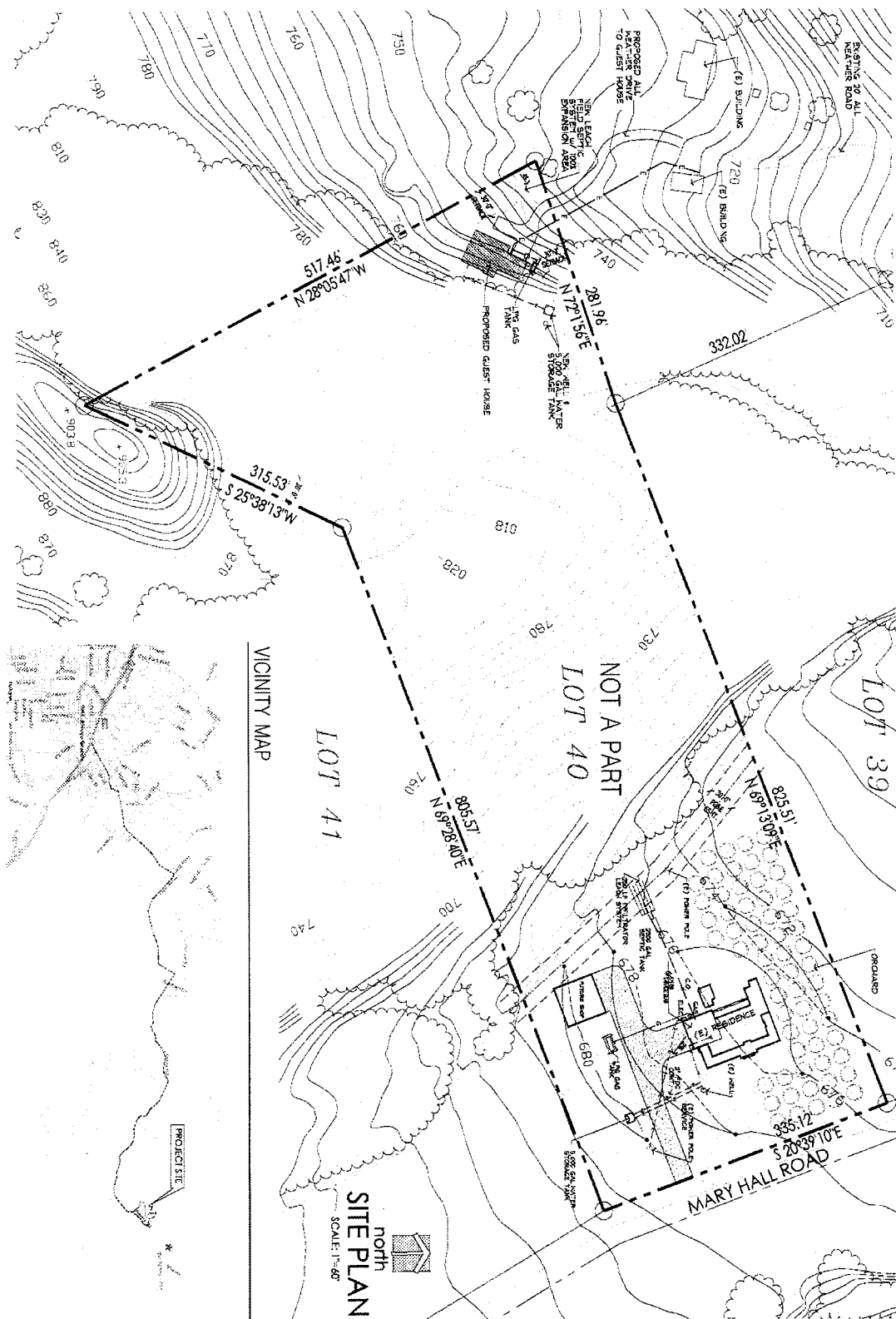
PROJECT

Minor Use Permit
Mims – DRC 2005-00148



EXHIBIT

Ariel Photo



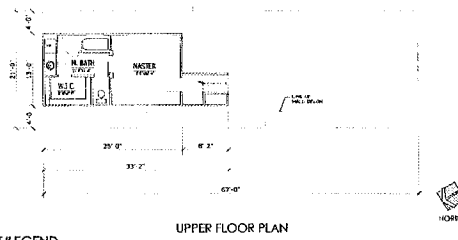
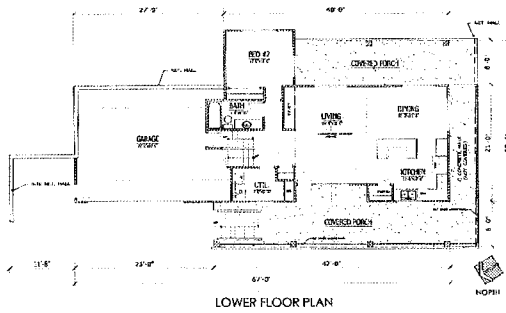
PROJECT

Minor Use Permit
Mims - DRC 2005-00148

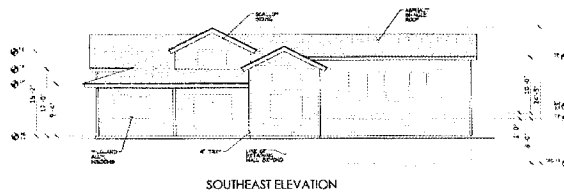
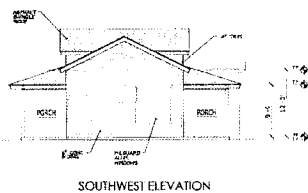
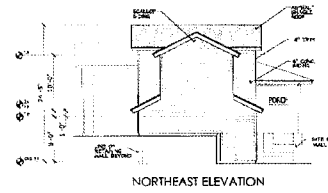
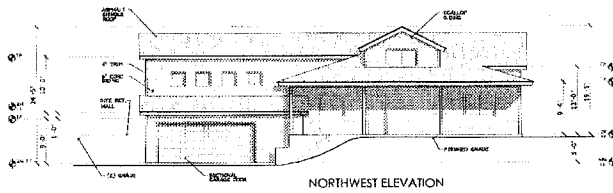


EXHIBIT

Site Plan



MATERIALS LIST/LEGEND
 CONCRETE: 4" MIN. THICK, 1500 PSI
 ROOF: 2" MIN. THICK, 1500 PSI
 FLOOR: 1" MIN. THICK, 1500 PSI
 WALL: 8" MIN. THICK, 1500 PSI
 CEILING: 5" MIN. THICK, 1500 PSI
 ROOFING: 18" GAUGE GALVALUM
 COLOR: BURNEDUMBER



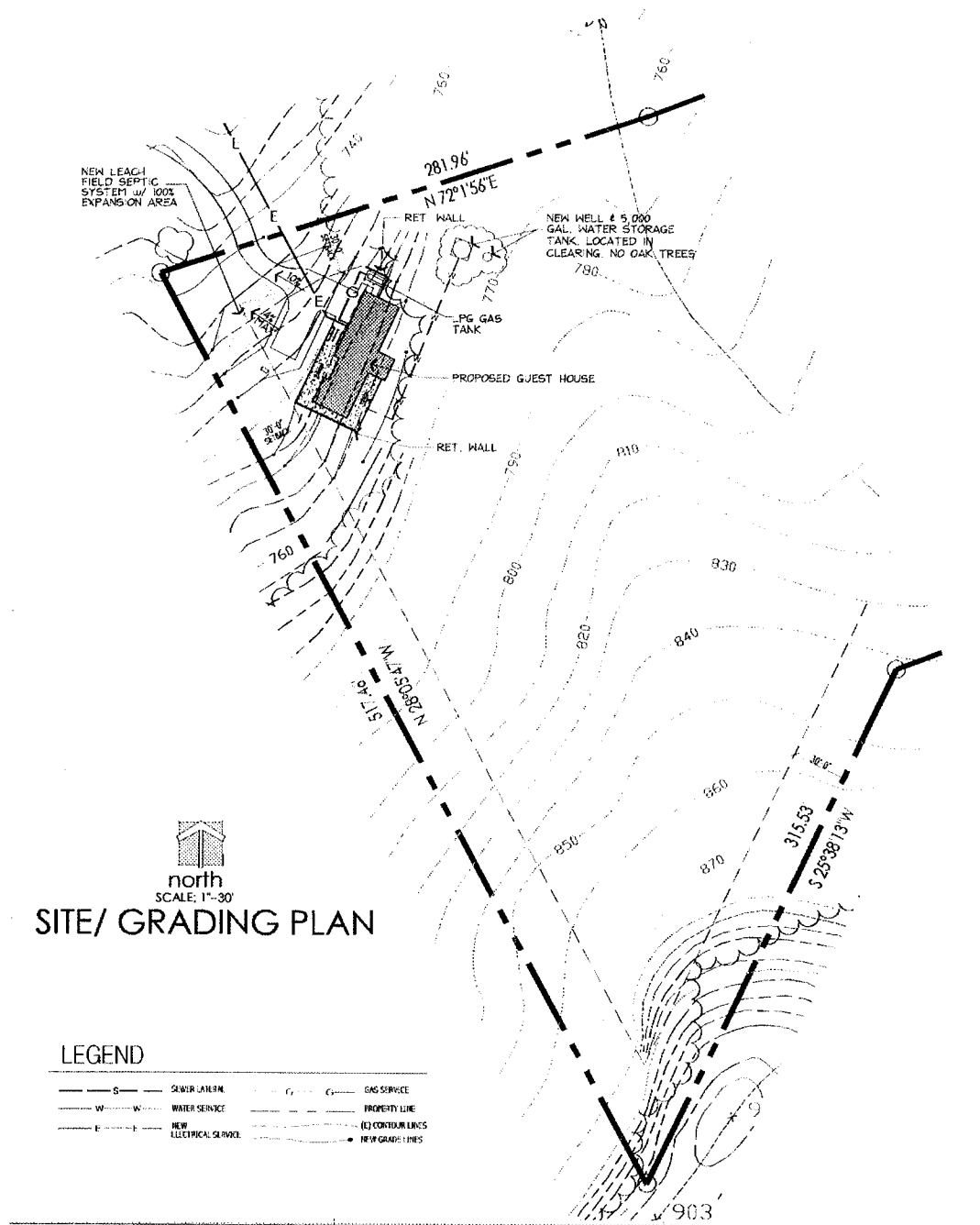
PROJECT

Minor Use Permit
 Mims - DRC 2005-00148



EXHIBIT

Floor Plan and Elevations



PROJECT

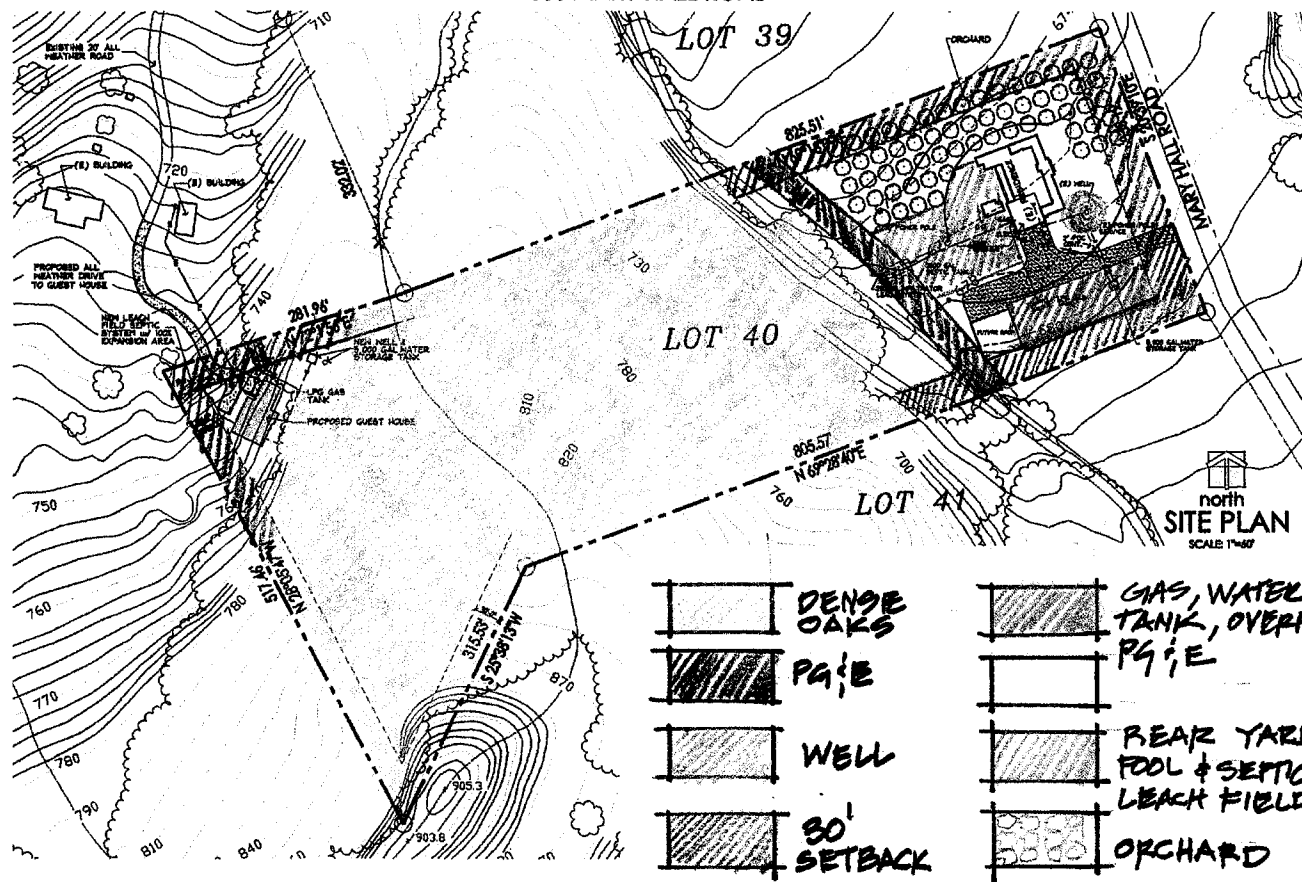
Minor Use Permit
Mims - DRC 2005-00148



EXHIBIT

Grading Plan

LOT 39

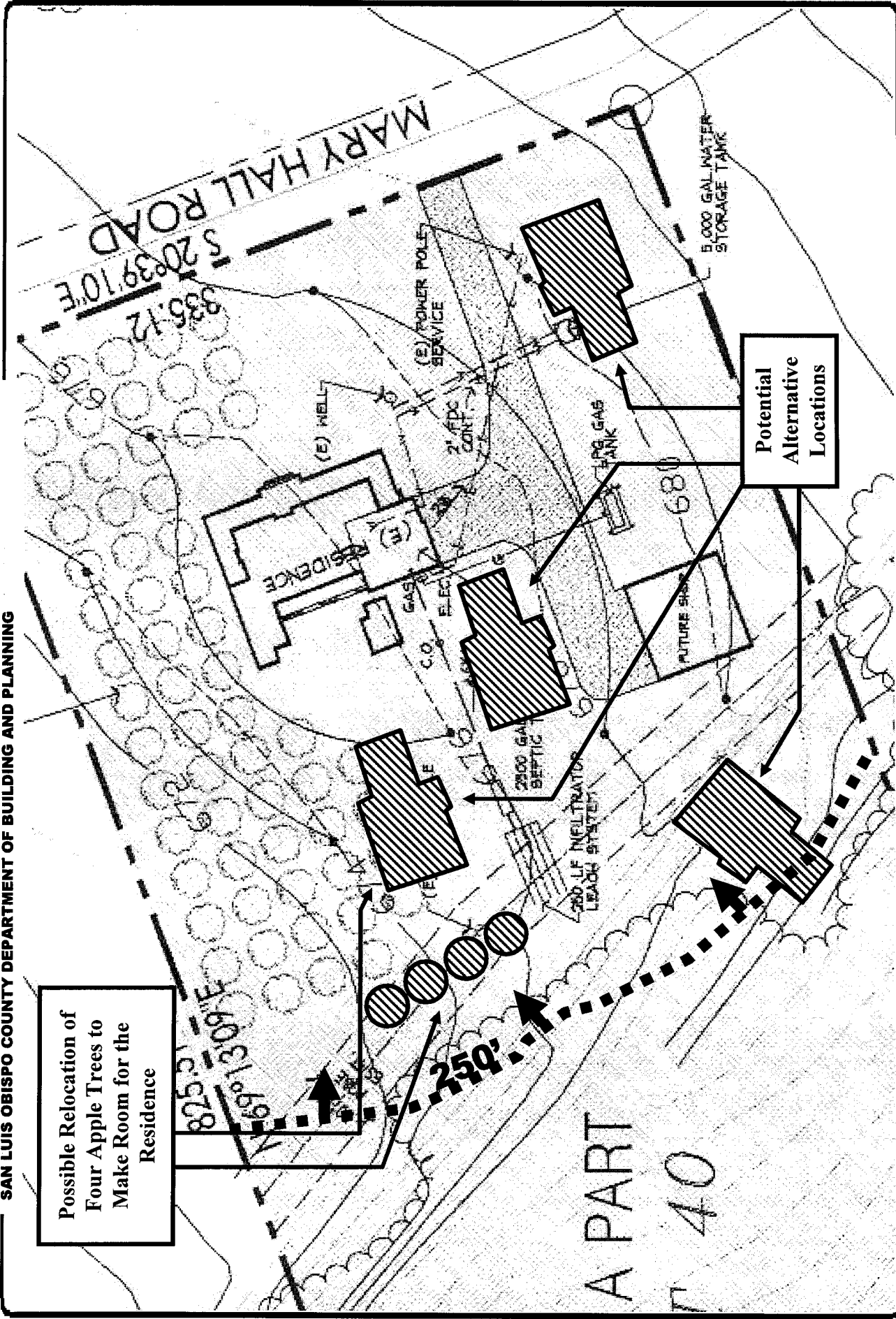


north
SITE PLAN
SCALE: 1"=50'

Minor Use Permit
Mims – DRC 2005-00148



Landscape Plan



Possible Relocation of
Four Apple Trees to
Make Room for the
Residence

Potential
Alternative
Locations



EXHIBIT
Potential Alternative Locations

PROJECT
Minor Use Permit
Mims DRC2005-00148



MC SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 2-6-06

FEB - 7 2006

TO: CSA 12 (Lopez area)

FROM: ☒ - South County Team ☐ - North County Team ☐ - Coastal Team

PROJECT DESCRIPTION: File Number: DRC 2005-00149 Applicant: MIMS

MUP -> build 1,200 sq-ft. "granny-unit". Site located off
May Hall Rd. in Arroyo Grande on 8.96 acres. APN: 048-251-054

Return this letter with your comments attached no later than: 2-21-06

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☒ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

No comment.

2/8/06
Date

Doug B.
Name

781-5116
Phone

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us

FAX: (805) 781-1242

WEBSITE: <http://www.sloplanning.org>



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 2-6-06

TO: Bldg. Div.

FROM: ☒ - South County Team ☐ - North County Team ☐ - Coastal Team

PROJECT DESCRIPTION: File Number: DRC 2005-00149 Applicant: MIMS

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IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

1. Require Percolation testing 2. Slope may be a concern
3. Leach lines to run at a right angle to slope

2/8/06
Date

Benny Telle
Name

781-5628
Phone

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>



T

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL



DATE: 2-6-06

TO: Ag

FROM: ☒ - South County Team ☐ - North County Team ☐ - Coastal Team

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Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

NO COMMENT

2/15/06
Date

L. AUCHINCLOSS
Name

781-5914
Phone

file copy
AAC

ACCURATE ARCHITECTURE & CONSTRUCTION

CA. CONTRACTORS LIC. # 831344

CA. ARCHITECTS LIC. # 21466

1141 Highland Way

Grover Beach, CA 93433

Phone: 440-8812 Fax: 474-0213

ATTN: MICHAEL
CONGER
781 - 1242

County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

February 2, 2006

RE: Minor Use Permit for 8350 Mary Hall Rd., Arroyo Grande

Dear Planner,

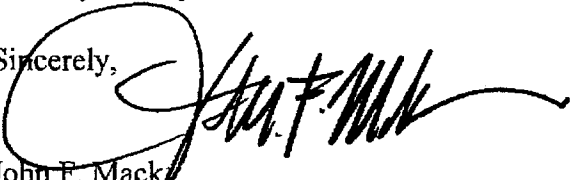
Enclosed you will find an application for a minor use permit for the address noted above. I am applying for this permit to build a granny unit on a lot with an existing home. The minor exception requested is to locate this granny unit more than 50' from the main residence. There are existing site constraints which are contributing factors to this request and are as follows:

1. Existing PG & E easements running through the property.
2. Location of existing utilities.
3. Steep hillside topography
4. Dense wooded area covering 75% of the site.

One of the reasons for choosing the location shown in our proposal is to avoid any impact to the heavily wooded hillside. To over-come this unique natural feature, we propose to access this location by an existing driveway that has been in use for years. Utilizing this existing improvement would reduce the need for any excavation or unnecessary tree removal for the construction of the unit.

Thank you for your time and consideration of our request.

Sincerely,


John F. Mack
Architect

AAC

ACCURATE ARCHITECTURE & CONSTRUCTION
CA. CONTRACTORS LIC. # 831344
CA. ARCHITECTS LIC. # 21466
1141 Highland Way
Grover Beach, CA 93433
Phone: 440-8812 Fax: 474-0213

County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Attention: Michael Conger

Phone: 781-1242

June 6, 2006

RE: Minor Use Permit for 8350 Mary Hall Rd., Arroyo Grande

Dear Michael,

In addition to my letter dated February 2, 2006, please consider the following information in reviewing our request for the location of the secondary dwelling unit. See attached color site exhibit describing all areas unable to be developed by the issues described in my correspondence.

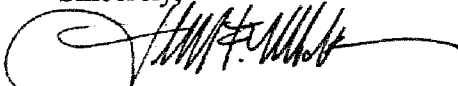
As I indicated in our phone conversations, the south side of the property, near the primary residence, has a well, storage tanks, gas tank, and electrical service to pole which restricts any further structures being placed south of the existing drive.

The existing residence has a pool and rear yard amenities directly behind, to the west with the septic system/leach field located directly behind the yard up to a 30' PG & E easement crossing the site below the dense oaks. As a result, no additional structures can be located from the rear of the home up to the dense oaks.

The primary reason for my client to establish residency here at 8350 Mary Hall Road, in an RA Zone is so they can cultivate and produce fruit within the prime remaining agriculture areas of this site, being the north side of the property, below the dense oaks. The owner is currently planning a variety of apples and other fruit trees in this area.

We request that the secondary dwelling unit be placed in a location less desirable for agricultural production, this being the northwest corner of the property.

Sincerely,



John F. Mack,
Architect

2006 JUN -7 PM 2:06
SLO COUNTY
PLANNING/BUILDING
DEPT

